

## **REMARKS**

### **I. INTRODUCTION**

Claim 7 has been amended. Claim 9 has been cancelled. No new matter has been added. Thus, claims 1-8, and 10-16 remain pending in the present application. In view of the above amendments and the following remarks, it is respectfully submitted that all of the above-identified claims are allowable.

### **II. THE 35 U.S.C. §103 REJECTIONS SHOULD BE WITHDRAWN**

Claims 1-8 and 10-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,704,736 to Rys et al. (hereinafter "Rys") in view of U.S. Patent No. 6,662,186 to Esquibel et al. (hereinafter "Esquibel"). *11/1/05 Office Action*, pages 4-9.

Rys discloses a system and a method for transforming data between hierarchical information and rowset. *Rys*, Abstract. The method taught by Rys is for "transforming hierarchical information...into rowset and for transforming rowset into hierarchical data." *Rys*, col. 5, lines 1-5. In order to perform this transformation, Rys also includes a parser to process the data to be transformed between file types. Although Rys may disclose a method and a system for the transforming of files between hierarchical data and rowset, it is limited in its disclosure to transformations between hierarchical information and rowset. Any user using the invention disclosed in Rys must concern him/herself with the transformation that is taking place and the types of files being transformed.

Esquibel discloses a system and method for propagating data from one file format and analyzes whether the file can be opened by the application. To reformat the file, an executable module is launched that is either attached to the file or accessible from a resource

indicator. *Esquibel*, Abstract. Although as the Examiner points out, *Esquibel* can parse multiple types of files and attempt to convert them to the appropriate file for use by the application, the designer and user must be aware of the functions performing the conversion. If a file does not include a transfer module, the user must attach a module to the file to allow for conversion. *Esquibel*, col. 6 lines 39-52, col. 7 lines 19-54. Thus, *Esquibel* requires that information be included in the file that is to be translated in the form of either the translation executable itself or a reference to the location of the translation executable. Therefore, the user and designer of the executable must always be aware of the existing modules in order for the conversion to be successful.

Although Examiner had stated that “[t]he claim language does not include a limitation ‘that the designer of the executable file not have to consider what the converter modules and functions are performing’, but instead simply indicates that the set of converter functions be ‘extensible’ as is disclosed in *Esquibel*,” (11/1/05 *Office Action*, p. 3) Applicant respectfully disagrees. Independent claim 1 recites “a receiving module determining a format of each of a plurality of original files;...wherein the converter module includes an extensible set of converter functions and the converter function is selected from the extensible set.” Thus, the receiving module determines the file format of the original file, and selects the appropriate converter function from the extensible set, allowing the designer of the executable files to be free from considering what the converter modules and/or functions are performing. Thus, since the receiving module determines the file format, claim 1 includes claim language that frees the designer from considering the file format of the original file. This functionality is also highlighted in the Specification:

Receiving module 400 receives the configuration file desired by application program 130...and identifies the format of the configuration file. For example, configuration file A 100 may be in XML format and receiving module 400 would

identify the format as XML so that the file could be sent to the proper one of converter modules 410-430. *Specification*, ¶[0036].

Furthermore, it also allows files to be converted at any time to any format as long as appropriate converter function is available. However, information for the converter function does not need to be stored in the file. In the scheme of Esquibel, data on the conversion **must** be stored in the file. The claims of Esquibel even state that the modules are “appended to” or “appending a software module to” the files. *Esquibel*, claims 1, 10, and 19. Accordingly, neither Rys, nor Esquibel, alone or in combination, teaches nor suggests the above described limitation. Thus, it is respectfully submitted that the 35 U.S.C. 103 rejection of claim 1 and the claims depending therefrom (claims 2-6) should be withdrawn.

Similar to claim 1, independent claim 7 recites, “wherein the conversion module includes an extensible set of converter functions and the converter function is selected from the extensible set, wherein the conversion module includes a receiving element to determine the first format.”m the extensible set.” Therefore, for at least the reasons discussed in regard to claim 1, it is respectfully submitted that the 35 U.S.C. 103 rejection of the claim 7, and the claims that depend therefrom (claims 8, 10 and 11) should be withdrawn.

Similar to claim 1, independent claim 12 discloses a system comprising of “reading a format of the original file; applying to the original file a converter function corresponding to the format of the original file, wherein the converter function is one of an extensible plurality of converter functions.” Therefore, for at least the reasons discussed in regard to claim 1, it is respectfully submitted that the 35 U.S.C. 103 rejection of claim 12 and the claims depending therefrom (claims 13-16) should be withdrawn.

**CONCLUSION**

In view of the amendments and the remarks submitted above, the applicants respectfully submit that the present case is in condition for allowance. All issues raised by the Examiner have been addressed, and a favorable action on the merits is thus earnestly requested.

Respectfully submitted,

Dated: December 28, 2005

By: 

Michael J. Marcín (Reg. No. 48,198)

FAY KAPLUN & MARCIN, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
(212) 619-6000 (phone)  
(212) 208-6819 (facsimile)